

Case 9:21-cv-00249-MAC-ZJH Document 44 Filed 02/28/23 Page 1 of 2 PageID #: 236

EASTERN DISTRICT OF TEXAS

MAURICE DEMAN HALL,

Plaintiff,

versus

TINA M. METOYER, *et al.*,

Defendants.

CIVIL ACTION NO. 9:21-CV-249

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff Maurice Deman Hall, proceeding *pro se*, filed the above-styled civil rights lawsuit against Tina M. Metoyer, Hobie Credille, Darla T. Redwine, Shanda K. Lamb and Tony R. Mason. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court.

Defendants Credille, Redwine, Lamb and Mason filed a motion to dismiss. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be granted.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. The court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law.

While plaintiff objects to the magistrate judge's conclusion that he failed to state a claim with respect to his allegation that defendant Credille failed to protect him from a use of force, plaintiff did not state sufficient facts to permit the conclusion that defendant Credille had adequate cause to believe force would be used. Plaintiff also objects to the conclusion that he failed to state a claim against defendants Redwine and Lamb for deliberate indifference to serious medical needs. A review of plaintiff's allegations, however, does not permit the conclusion that plaintiff made

these defendants aware of facts showing he was subject to a substantial risk of serious harm. *Farmer v. Brennan*, 511 U.S. 825, 847 (1994).

Finally, plaintiff objects to the conclusion that defendant Mason denied him due process of law during a prison disciplinary proceeding. Based on the authorities cited in the Report and Recommendation, plaintiff did not have a protected liberty interest in not receiving the punishment imposed as a result of the disciplinary conviction.

ORDER

Accordingly, the objections filed by plaintiff in this matter (#43) are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge (#40) are correct, and the report of the magistrate judge is **ADOPTED**. The motion to dismiss (#31) is **GRANTED** and the claims against defendants Credille, Redwine, Lamb and Mason are **DISMISSED**.

SIGNED at Beaumont, Texas, this 28th day of February, 2023.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE